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10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA
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13 JEFFREY S. PATERSON,) 3:11-cv-00845-HDM-WGC
14 Plaintiff,)
15 vs.) ORDER
16 PATTERSON, et al.,)
17 Defendants.)
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19 The court has considered the report and recommendation of the
20 United States Magistrate Judge (#131) filed on September 18, 2012,
21 in which the magistrate judge recommends granting the defendants'
22 motion to dismiss (#22) and dismissing without prejudice the two
23 unserved defendants, Adolph Stankus and Patterson. No objections
24 to the report and recommendation have been filed, and the time for
25 doing so has expired.¹

26 The court has considered the pleadings and memoranda of the
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28 ¹ As of this date, plaintiff has not filed any objections despite receiving an extension of time to November 15, 2012, in which to do so.

1 parties and other relevant matters of record and has made a review
2 and determination in accordance with the requirements of 28 U.S.C.
3 § 636 and applicable case law, and the court hereby accepts and
4 adopts the report and recommendation of the United States
5 Magistrate Judge (#31).

6 Accordingly, the defendants' motion to dismiss Count II of
7 plaintiff's complaint (#22) is hereby **GRANTED**, and Count II of
8 plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**. Further, the
9 unserved defendants Adolph Stankus and Patterson are **DISMISSED**
10 **WITHOUT PREJUDICE**.

11 **IT IS SO ORDERED.**

12 DATED: This 17th day of December, 2012.

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15 UNITED STATES DISTRICT JUDGE
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